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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

22

Application Number

09/154,031

Filing Date

01/02/2001

First Named Inventor

WILLIAM J. PAYER

Group Art Unit

Examiner Name

Attorney Docket Number

Total Number of Pages in This Submission

22

### ENCLOSURES (check all that apply)

- Fee Transmittal Form  
*PLEASE BILL*
- Fee Attached
- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

① LETTER TO  
MS. STEEL

② FORMALITIES

LETTER

PLEASE SEE ATTACHED  
LETTER TO MS. STEEL

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	WILLIAM J. PAYER
Signature	<i>William J. Payer</i>
Date	7/19/01

Firm or Individual name	WILLIAM J. PAYER
Signature	<i>William J. Payer</i>
Date	7/19/01

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	WILLIAM J. PAYER
Signature	<i>William J. Payer</i>
Date	7/19/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/754,031	01/02/2001	William J. Payer	

CONFIRMATION NO. 2037

FORMALITIES LETTER



\*OC0000000008170475\*

WILLIAM J PAYER  
4860 PARKVIEW MINE DRIVE  
SUGAR HILL, GA 30518

Date Mailed: 06/12/2001

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

***Filing Date Granted***

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).

*A copy of this notice **MUST** be returned with the reply.*

Request Hold Eyes  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**  (\$)

## Complete if Known

Application Number	09/154,031
Filing Date	07/02/2001
First Named Inventor	WILLIAM J. PAYER
Examiner Name	
Group Art Unit	
Attorney Docket No.	

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	
Deposit Account Name	

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) <input type="text"/>				

445

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355 Utility filing fee
106	320	206	160 Design filing fee
107	490	207	245 Plant filing fee
108	710	208	355 Reissue filing fee
114	150	214	75 Provisional filing fee

**SUBTOTAL (1) (\$)**

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	<input type="text"/> X <input type="text"/> = <input type="text"/>	
Multiple Dependent	- 3** =	<input type="text"/> X <input type="text"/> = <input type="text"/>	
		<input type="text"/> = <input type="text"/>	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203
102	80	202
104	270	204
109	80	209
110	18	210
		9 40 ** Reissue independent claims over original patent
		** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**

\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**  445

## SUBMITTED BY

Name (Print/Type)	WILLIAM J. PAYER	Registration No. (Attorney/Agent)		Telephone	678-572-5012
Signature					
Date	7/19/2001				

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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# Millennium Steel Structures, Inc.

Ms. Shirley Steel, Manager  
Initial Patent Examination Center  
United States Patent and Trademark Office  
Washington, DC 20231

Dear Ms. Steel:

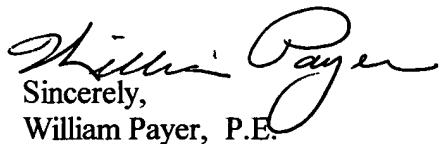
My name is William J. Payer and my application number is 09/754,031. We have talked before over the telephone.

On 6/12/01, I received a document from your division concerning a Formalities Letter. The letter stated that my application was incomplete because the claims were not placed on separate sheets exclusive of the rest of the application. In subsequent phone calls over a three week period with your office, I do not believe I have come up with a satisfactory explanation.

Technically, the claims to my understanding has been placed on a separate sheet with a statement technically defining the purpose of the claims and therefore part of the claims themselves. "Many different embodiments of the present invention may be made without departing from the scope of spirit....." was placed in front of "I Claim". I believe a reasonable discussion could be made that this statement should not be placed with the proceeding section "Description of the Preferred Embodiment". Its heart and soul is within the next Section " I Claim". The intent is further identified by myself with "Description of the Preferred Embodiment" section ending two-thirds page down – therefore ending the section. Please consider this.

Second, the question exist about the approximately two months the review took to find such a possible difference in Patent Rules. As you know the difference in cost between a one month extension and a three month extension is considerable. One, I believe, from an outside source might bring up the question that your division is attempting just to secure more funds through this procedure of time delay. This is probably not the case since I do believe your division may be quite busy but the perception will exist. I do not believe that reimbursement for this delay is the intent or the mandate of the Patent Office - especially in a case which is definitely subject to discussion.

Please advise accordingly.

  
Sincerely,  
William Payer, P.E.